

### **Remarks**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1, 3-6, 8 and 13-46 are pending in the application. No claims are allowed. Claims 1, 8, 13, 19, 21, 32, 41, 45 and 46 are independent.

#### ***Patentability of Claims 1, 3-6, 13-31 and 46 under § 101***

The Action rejects claims 1, 3-6, 13-31 and 46 under 35 U.S.C. § 101. Applicants traverse these rejections. However, in order to expedite prosecution, Applicants have added the word "tangible" to claims 1, 8, 13, 19, 21, 33 and 46. Support for this amendment can be found in the Application, for example, at page 30, lines 5-29.

#### ***Applied Art***

U.S. Patent No. 6,192,118 to Bayless et al. ("Bayless") is entitled "Computer Telephone System and Method Having a Graphical User Interface." U.S. Patent No. 6,611,878 to De Armas et al. ("De Armas") is entitled "Method and Apparatus for Software Technology Injection for Operating Systems Which Assign Separate Process Address Spaces."

#### ***Patentability of Claims 1, 3-6, 8 and 13-46 Under § 103(a)***

The Action rejects claim 1, 3-6, 8 and 13-46 under 35 U.S.C. § 103(a) as unpatentable over Bayless in view of De Armas. Applicants respectfully traverse this rejection and submit that the claims in their present form are allowable over the applied art. In order to expedite prosecution, Applicants have added language relating to a shell program to claims 8, 13, 21 and 46.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2142.) Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (See MPEP § 2143.01.)

*Claims 1, 3-6, 26 and 27*

Claim 1 recites in part:

implementing a shell program that exposes an application programming interface for customizing a customizable visual user interface . . .

. . .

wherein the application programming interface comprises one or more methods for customizing the customizable area; and

wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes to the visual user interface for the telephony device, the one or more panes associated with a parent application separate from the shell program, the parent application operable to communicate with the shell program via the application programming interface.

The Examiner cites several passages of Bayless and De Armas, but the cited passages do not teach or suggest the claimed arrangement. For example, the combination of Bayless and De Armas does not teach or suggest "a shell program that exposes an application programming interface for customizing a customizable visual user interface . . . wherein the application programming interface comprises one or more methods for customizing the customizable area; and wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes" as recited in claim 1.

At page 3 of the Action, the Examiner states, "Bayless et al do not go into the details of adding the customized panes associated with a parent application separate from a shell program which exposes the application programming interface that does the customizing." However, at page 4, the Examiner states, "De Armas et al do show adding customized panes and components associated with a parent application separate from a shell program which exposes an application programming interface that customizes the interface." Applicants respectfully disagree.

De Armas does not teach or suggest "a shell program that exposes an application programming interface for customizing a customizable visual user interface," as recited in claim 1. The Application distinguishes a shell program API from an operating system API. For example, referring to Figure 7 at page 17, lines 19-22, the Application states, "The implementer may incorporate custom application programs (e.g., 3<sup>rd</sup> party application (720)) into the software platform. These applications may invoke platform services through the APIs of the shell (706), TAPI and telephony extensions (704), and the operating system (702)."

Contrary to the cited language of claim 1, De Armas describes a process performed by a "technology insertion system" ("TIS") that uses "an available *operating system* API." [See

De Armas at col. 7, lines 56-60 (emphasis added).] In De Armas, operating system API functions are called to overwrite an original pointer to a "target window procedure" with a replacement pointer to a "surrogate window procedure" contained within an injection DLL. [See De Armas at col. 8, lines 45-49.] The surrogate window procedure intercepts messages that would normally go to the target window procedure, allowing the surrogate window procedure to change the behavior or appearance of a target window interface. [See De Armas at col. 10, lines 15-17.] In one example provided in De Armas, the surrogate window procedure edits "window specification data" to modify or add features to the existing interface. [See De Armas at col. 11, line 65 – col. 12, line 1.] Although the surrogate window procedure edits window specification data received from the target window procedure, De Armas specifically states, "It should be understood, however, that this communication is actually achieved through the API routines 126 *within the operating system* 102, and not directly between the two programs." [See De Armas at col. 11, lines 61-64 (emphasis added).]

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 1. Claim 1 and its dependent claims, 3-6, 26 and 27, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

#### *Claim 8*

As amended, claim 8 recites in part:

the software for customizing the customizable visual user interface comprises at least one application programming interface comprising one or more methods for adding one or more custom panes corresponding to a parent application to the customizable visual user interface, the at least one application programming interface exposed by a shell program.

[See, e.g., Application at p. 20, line 20 – p. 28, line 37.]

At page 5 of the Action, the Examiner states, "Regarding claim 8, this shows the same features as claims 1 and 3 and is rejected for the same reasons." Applicants respectfully disagree.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "at least one application programming interface comprising one or more methods for adding one or more custom panes corresponding to a parent application to the customizable visual user

interface, the at least one application programming interface exposed by a shell program" as recited in claim 8.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 8. Claim 8 should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claims 13-18 and 28-31*

As amended, claim 13 recites in part,

... the software platform includes a shell program that exposes a programmatic programming interface operable to provide functionality for customizing the user interface;

... and

creating a custom user interface program module, wherein the custom user interface program module uses the programmatic programming interface operable to provide functionality for customizing the user interface.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "the software platform includes a shell program that exposes a programmatic programming interface operable to provide functionality for customizing the user interface" and "the custom user interface program module uses the programmatic programming interface operable to provide functionality for customizing the user interface" as recited in claim 13.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 13. Claim 13 and its dependent claims, 14-18 and 28-31, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claims 19-20*

Claim 19 recites in part,

a shell program for controlling display of a user interface on a display screen of the screen phone, wherein the shell program exposes a programmatic programming interface operable to provide functionality for customizing the user interface;

...

wherein the programmatic programming interface provides one or more methods for creating one or more custom panes for display in the user interface,

the custom panes associated with one or more parent applications outside the shell program.

At pages 6-7 of the Action, the Examiner states, "note that the parent program in De Armas et al communicates state changes to a corresponding default pane program which then updates the panes to reflect the changes (column 4 lines 45-65). This is one of the methods in which the pane is customized and the obviousness to have this feature follows then the same reasoning as stated in paragraph 4 of this Office Action." Applicants respectfully disagree.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "the shell program exposes a programmatic programming interface operable to provide functionality for customizing the user interface" and "the programmatic programming interface provides one or more methods for creating one or more custom panes for display in the user interface" as recited in claim 19.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 19. Claim 19 and its dependent claim, 20, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

#### *Claims 21-25*

As amended, claim 21 recites in part:

at least one of the one or more application programming interfaces is exposed by a shell program and comprises a method for adding a custom pane corresponding to a parent application to the customizable visual user interface.

The Examiner states that claim 21 "show[s] the same features as claim 8 and [is] rejected for the same reasons." [See the Action at page 5.] Applicants respectfully disagree.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "at least one of the one or more application programming interfaces is exposed by a shell program and comprises a method for adding a custom pane" as recited in claim 21.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 21. Claim 21 and its dependent claims, 22-25, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claims 32-40*

The Examiner states that claims 32-33 and 37-40 "show the same features as claims 8, 12-18 and are rejected for the same reasons." [See the Action at page 6.] Applicants respectfully disagree.

For example, claim 32 recites "wherein the accepting facilitates customization of the user interface of the telephony device at run-time of the user interface; and wherein the new user interface element is associated with a parent application separate from a shell program implementing default elements of the user interface." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16 of Bayless, the windows are used "in the design mode," not "at run-time of the user interface" as claimed. De Armas also does not teach or suggest the cited language of claim 32.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 32. Claim 32 and its dependent claims, 33-40, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claims 41-44*

The Examiner states that claims 41-44 "show the same features as claims 8, 12-18 and are rejected for the same reasons." [See the Action at page 6.] Applicants respectfully disagree.

For example, claim 41 recites "an application programming interface operable to enable customization of the graphical user interface during run-time of the graphical user interface; wherein the customization comprises adding one or more new user interface elements associated with a parent application separate from the software platform." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16 of Bayless, the windows are used "in the design mode," not "during run-time of the user interface" as claimed. De Armas also does not teach or suggest the cited language of claim 41.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 41. Claim 41 and its dependent claims, 42-44, should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claim 45*

The Examiner states that claim 45 "show[s] the same features as claims 8, 12-18 and [is] rejected for the same reasons." [See the Action at page 6.] Applicants respectfully disagree.

For example, claim 45 recites in part,

wherein the function call calls a function in a programming interface exposed by the shell program, and wherein the programming interface facilitates customization of the user interface.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "a programming interface exposed by the shell program, and wherein the programming interface facilitates customization of the user interface" as recited in claim 45.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 45. Claim 45 should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

*Claim 46*

As amended, claim 46 recites in part,

at least one application programming interface comprising one or more methods for customizing the customizable area, the at least one application programming interface provided by a shell program implementing default elements of the visual user interface.

The Examiner states that claim 46 "show[s] the same features as claim 8 and [is] rejected for the same reasons." [See the Action at page 5.] Applicants respectfully disagree.

Taken together, the Bayless and De Armas references do not teach or suggest the cited language. For example, the combination of Bayless and De Armas does not teach or suggest "at least one application programming interface comprising one or more methods for customizing the customizable area, the at least one application programming interface provided by a shell program" as recited in claim 46.

Bayless and De Armas, taken separately or in combination, fail to describe at least one element recited in claim 46. Claim 46 should not be subject to a 103(a) rejection, and Applicants respectfully request the rejection be withdrawn.

***Request for Follow-up Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

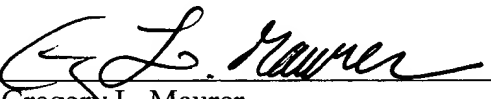
***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By   
Gregory L. Maurer  
Registration No. 43,781